


**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

 he Matter of)	
)	
)	
Federal-State Joint Board on)	
Universal Service)	CC Docket No. 96-45
)	
Petition by Illinois Valley Cellular)	
RSA 2-I Partnership, Illinois Valley)	
Cellular RSA 2-II Partnership and)	
Illinois Valley Cellular RSA 2-III)	
Partnership for Commission Agreement)	
In Redefining the Service Areas of Rural)	
Telephone Companies in the State of)	
Illinois Pursuant to 47 C.F.R. Section)	
54.207(c))	

**PETITION FOR COMMISSION AGREEMENT IN REDEFINING THE
SERVICE AREAS OF RURAL TELEPHONE COMPANIES IN ILLINOIS**

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August 17, 2006

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Summary

Illinois Valley Cellular RSA 2-I Partnership (“IVC-I”), Illinois Valley Cellular RSA 2-II Partnership (“IVC-II”) and Illinois Valley Cellular RSA 2-III Partnership (“IVC-III”) (collectively “IVC” or “Petitioners”) request the Commission’s concurrence with the proposal by the Illinois Commerce Commission (“ICC”) to redefine the service areas of Citizens Telecom Co. Illinois – Frontier Citizens – IL (“Citizens-Frontier”); Mid-Century Telephone Cooperative (“Mid-Century”); Gallatin River Communications (“Gallatin River”); Verizon South, Inc. – IL (“Verizon South”); and Frontier Communications of Illinois, Inc. (“Frontier-Illinois”), pursuant to the process set forth in Section 54.207(c) of the Commission’s rules.

IVC is a licensed provider of cellular telephone service in rural areas of Illinois and was recently designated by the ICC as an eligible telecommunications carrier (“ETC”) pursuant to Section 214(e) of the Act. By granting ETC status to IVC, the ICC found that the use of federal high-cost support to develop its competitive operations would serve the public interest. Because IVC’s ETC service areas do not correlate with rural incumbent local exchange carrier (“ILEC”) service areas, the Act provides that the affected rural ILEC service areas must be redefined before designation in certain areas can take effect. Accordingly, the ICC has proposed that each affected rural ILEC’s service area should be redefined in a manner that permits IVC’s designation to become effective throughout the portions of the ILEC service area in which it is licensed to provide service. As directed in the order designating it as an ETC, IVC now seeks the FCC’s concurrence with the proposed redefinition.

The proposed redefinition is warranted under the Commission’s competitively neutral universal service policies, and it constitutes precisely the same relief granted to similarly situated carriers by the Commission and several states. Unless the relevant ILEC service areas are

redefined, IVC will be unable to use high-cost support to improve and expand service to consumers in many areas of its licensed service territories and consumers will be denied the benefits. As the Commission and several states have consistently held, competitive and technological neutrality demand the removal of these artificial barriers to competitive entry. Moreover, the requested redefinition satisfies the analysis provided by the Federal-State Joint Board on Universal Service (“Joint Board”) in that it eliminates the payment of uneconomic support or cream-skimming opportunities, duly recognizes the special status of rural carriers under the Act, and does not impose undue administrative burdens on ILECs.

The ICC’s proposed redefinition is well-supported by the record at the state level, and all affected parties were provided ample opportunity to ensure that the Joint Board’s recommendations were taken into account. Accordingly, IVC requests that the Commission grant its concurrence expeditiously and allow the proposed redefinition to become effective without further action.

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Illinois Valley Cellular RSA 2-I Partnership (“IVC-I”), Illinois Valley Cellular RSA 2-II Partnership (“IVC-II”) and Illinois Valley Cellular RSA 2-III Partnership (“IVC-III”) (collectively “IVC” or “Petitioners”), hereby submit this Petition seeking the FCC’s agreement with the decision of the Illinois Commerce Commission (“ICC”) to redefine the service areas of Citizens Telecom Co. Illinois – Frontier Citizens – IL (“Citizens-Frontier”); Mid-Century Telephone Cooperative (“Mid-Century”); Gallatin River Communications (“Gallatin River”); Verizon South, Inc. – IL (“Verizon South”); and Frontier Communications of Illinois, Inc. (“Frontier-Illinois”), all of which are rural incumbent local exchange carriers (“ILECs”) doing business in Illinois (collectively, the “Rural ILECs”), so that each of the ILECs’ wire centers specified by the ICC Order constitutes a separate service area for purposes of IVC’s eligibility

for federal high-cost support. IVC holds B Block authorizations from the FCC in the cellular radiotelephone service in three submarkets that comprise Illinois RSA 2..

IVC was recently granted eligible telecommunications carrier (“ETC”) status by the ICC pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the “Act”). As set forth below, classifying the specified wire centers of the Rural ILECs as a separate service area will foster federal and state goals of encouraging competition in the telecommunications marketplace and extending universal service to rural Illinois’ consumers. A list of the wire centers for which IVC requests redefinition is attached for the Commission’s reference as Appendix A.

I. BACKGROUND

Pursuant to Section 214(e) of the Communications Act of 1934, as amended (the “Act”), state commissions generally have authority to designate carriers that satisfy the requirements of the federal universal service rules as ETCs and to define their service areas.¹ In rural areas, service areas are generally defined as the ILEC’s study area. However, the Act explicitly sets forth a process whereby a competitive ETC may be designated for a service area that differs from that of the ILEC. Specifically, Section 214(e) of the Act provides:

... “service area” means such company’s “study area” unless and until the Commission and the States, after taking into account recommendations of a Federal-State Joint Board instituted under Section 410(c), establish a different definition of service area for such company.²

The FCC and the Federal-State Joint Board on Universal Service (“Joint Board”) have recognized that a strict rule requiring a competitive ETC to serve an area exactly matching a rural LEC’s study area would preclude competitive carriers that fully satisfy ETC requirements

¹ 47 U.S.C. § 214(e).

² *Id.*

from bringing the benefits of competition to consumers throughout their service territory.³ Therefore, the FCC established a streamlined procedure for the FCC and states to act together to redefine rural ILEC service areas.⁴ Using this procedure, the FCC and state commissions have applied the analysis contained in Section 214(e) and concluded that it is necessary and appropriate to redefine the LEC service areas along wire center boundaries to permit the designation of competitive ETCs in those areas.⁵ This process, as well as the underlying necessity of redefinition, was reaffirmed in the FCC's *ETC Report and Order* released March 17, 2005.⁶

In three separate petitions that were eventually consolidated into one docket, IVC petitioned the ICC on July 6, 2004, for ETC status for purposes of receiving high-cost support from the federal universal service fund. For rural ILEC areas which were only partially within the proposed ETC service area, IVC requested that the ICC approve the redefinition of those ILECs' service areas to enable IVC to be designated in a portion of each affected ILEC's study area.⁷ As IVC's Petitions explained, the requested redefinition would not result in cream-skimming because IVC sought designation in the higher-cost, lower-density portions of each affected ILEC's study area.⁸ IVC also explained that, because its inability to serve portions of

³ See *Petition for Agreement with Designation of Rural Company Eligible Telecommunications Carrier Service Areas and for Approval of the Use of Disaggregation of Study Areas for the Purpose of Distributing Portable Federal Universal Service Support*, Memorandum Opinion and Order, 15 FCC Rcd 9924, 9927 n. 40 (1999) ("Washington Redefinition Order"), citing *Federal-State Joint Board on Universal Service, Recommended Decision*, 12 FCC Rcd 87, 181 (1996) ("Joint Board Recommended Decision").

⁴ See 47 C.F.R. § 54.207(c). See also *Federal-State Joint Board on Universal Service, Report and Order*, 12 FCC Rcd 8776, 8881 (1997) ("First Report and Order").

⁵ See, e.g., *Public Notice, Smith Bagley, Inc. Petitions for Agreement to Redefine the Service Areas of Navajo Communications Company, Citizens Communications Company of the White Mountains, and CenturyTel of the Southwest, Inc. On Tribal Lands Within the State of Arizona*, DA 01-409 (rel. Feb. 15, 2002) (effective date May 16, 2002); *Washington Redefinition Order*, *supra*, 15 FCC Rcd at 9927-28.

⁶ *Federal-State Joint Board on Universal Service, Report & Order*, 20 FCC Rcd 6371 (2005) ("ETC Report and Order").

⁷ See IVC-I Petition at pp. 9-15; IVC-II Petition at pp. 9-15; IVC-III Petition at pp. 9-16.

⁸ *Id.*

the Rural ILECs' study areas is a result of its wireless technology and license boundaries, a denial of the requested redefinition would violate the requirement that federal and state universal service policies be competitively neutral.⁹ The ICC granted ETC status to IVC on April 19, 2006, concluding that a grant of ETC status was in the public interest.¹⁰ The ICC also granted IVC's request for redefinition with respect to each affected Rural ILEC, and authorized IVC to seek FCC concurrence.¹¹

II. DISCUSSION

The ICC's proposal to redefine rural ILEC service areas is consistent with FCC rules, the recommendations of the Joint Board, and the competitively neutral universal service policies embedded in the Act. Specifically, redefining the affected rural ILEC service areas so that each wire center is a separate service area will promote competition and the ability of rural consumers to have similar choices among telecommunications services and at rates that are comparable to those available in urban areas.¹²

The proceedings at the state level provided all affected parties with an opportunity to comment on the proposed redefinition, and the ICC fully considered and addressed the parties' arguments on this subject. The record at the state level, including IVC's Petitions and testimony and the IVC's Order, demonstrates that the requested redefinition fully comports with federal requirements and provides the FCC with ample justification to concur.

A. The Requested Redefinition Is Consistent With Federal Universal Service Policy.

Congress, in passing the 1996 amendments to the Act, declared its intent to "promote competition and reduce regulation" and to "encourage the rapid deployment of new

⁹ *Id.*

¹⁰ A copy of the IVC Order is attached hereto as Appendix B for the Commission's reference.

¹¹ IVC Order at p. 64.

telecommunications technologies.”¹³ As part of its effort to further these pro-competitive goals, Congress enacted new universal service provisions that, for the first time, envision multiple ETCs in the same market.¹⁴ In furtherance of this statutory mandate, the FCC has adopted the principle that universal service mechanisms be administered in a competitively neutral manner, meaning that no particular type of carrier or technology should be unfairly advantaged or disadvantaged.¹⁵

Consistent with this policy, the FCC and many state commissions have affirmed that ETC service areas should be defined in a manner that removes obstacles to competitive entry.¹⁶ In 2002, for example, the FCC granted a petition of the Colorado Public Utilities Commission (“CPUC”) for a service area redefinition identical in all material respects to the redefinition proposed in this Petition.¹⁷ In support of redefining CenturyTel’s service area along wire-center boundaries, the CPUC emphasized that “in CenturyTel’s service area, no company could receive a designation as a competitive ETC unless it is able to provide service in 53 separate, non-contiguous wire centers located across the entirety of Colorado . . . [T]his constitutes a significant barrier to entry.”¹⁸ The FCC agreed and, by declining to open a proceeding, allowed the requested redefinition to take effect.¹⁹ The FCC similarly approved a petition by the

¹² See 47 U.S.C. § 254(b)(3).

¹³ Pub. L. No. 104-104, 110 Stat. 56 (1996) (preamble).

¹⁴ See 47 U.S.C. § 214(e)(2).

¹⁵ See *First Report and Order*, *supra*, 12 FCC Rcd at 8801. Competitive neutrality is a “fundamental principle” of the FCC’s universal service policies. *Guam Cellular and Paging, Inc., Petition for Waiver of Section 54.314 of the Commission’s Rules and Regulations*, CC Docket No. 96-45, DA 03-1169 at ¶ 7 (Tel. Acc. Pol. Div. rel. April 17, 2003). Moreover, competitive neutrality was not among the issues referred by the FCC to the Joint Board. See *Federal-State Joint Board on Universal Service*, FCC 02-307 (rel. Nov. 7, 2002) (“*Referral Order*”).

¹⁶ See, e.g., *First Report and Order*, *supra*, 12 FCC Rcd at 8880-81; Petition by the Public Utilities Commission of the State of Colorado to Redefine the Service Area of CenturyTel of Eagle, Inc., Pursuant to 47 C.F.R. § 54.207(c) at p. 4 (filed with the FCC Aug. 1, 2002) (“CPUC Petition”).

¹⁷ See CPUC Petition at p. 5 (“Petitioner requests agreement to redefine CenturyTel’s service area to the wire center level”).

¹⁸ CPUC Petition at p. 4.

¹⁹ In December 2002, CenturyTel petitioned the FCC to reconsider its decision. However, as of this filing

Washington Utilities and Transportation Commission (“WUTC”) and about 20 rural ILECs for the redefinition of the ILECs’ service areas along wire center boundaries, finding that:

[O]ur concurrence with rural LEC petitioners’ request for designation of their individual exchanges as service areas is warranted in order to promote competition. The Washington Commission is particularly concerned that rural areas . . . are not left behind in the move to greater competition. Petitioners also state that designating eligible telecommunications carriers at the exchange level, rather than at the study area level, will promote competitive entry by permitting new entrants to provide service in relatively small areas . . . We conclude that this effort to facilitate local competition justifies our concurrence with the proposed service area redefinition.²⁰

In Washington, several competitive ETCs have been designated in various service areas without any apparent adverse consequences to date. No ILEC in Washington has ever introduced any evidence that they, or consumers, have been harmed by the WUTC’s service area redefinition.²¹

Other state commissions have similarly concluded that redefining rural ILEC service areas along wire center boundaries is fully justified by the pro-competitive goals of the 1996 Act. For example, the Minnesota Public Utilities Commission (“MPUC”) approved the proposal by WWC Holding Co., Inc. d/b/a CellularOne to redefine certain rural ILEC service areas to the wire center level.²² Addressing the concerns expressed by ILEC commenters, the MPUC concluded that the proposed redefinition would neither harm the affected rural ILECs nor create significant cream-skimming opportunities.²³ The FCC agreed, and allowed the proposed

CenturyTel’s service area redefinition remains effective.

²⁰ *Washington Redefinition Order, supra*, 15 FCC Rcd at 9927-28 (footnotes omitted).

²¹ Sprint Corp. d/b/a Sprint PCS et al., Docket No. UT-043120 at p. 11 (Wash. Util. & Transp. Commn., Jan. 13, 2005) (stating that the WUTC’s designation of multiple competitive ETCs, “if not benefiting customers (which it does), certainly is not failing customers. In the five years since we first designated an additional ETC in areas served by rural telephone companies, the Commission has received only two customer complaints in which the consumers alleged that a *non*-rural, wireline ETC was not providing service. No Rural ILEC has requested an increase in revenue requirements based on need occasioned by competition from wireless or other ETCs. This record supports our practice of not seeking commitments or adding requirements as part of the ETC designation process.”).

²² WWC Holding Co., Inc. d/b/a CellularOne, MPUC Docket No. P-5695/M-04-226, Order Approving ETC Designation (Minn. PUC, Aug. 19, 2004) (FCC concurrence granted Dec. 28, 2004).

²³ *Id.* at p. 9.

redefinition to enter into effect. Similar conclusions were reached by state regulators in Arizona, Colorado, New Mexico, Kansas, Maine, Michigan, North Dakota, Oregon, and West Virginia.²⁴

In finding that designating IVC as an ETC would serve the public interest, the ICC concluded that IVC's designation would "increase customer choice in the areas requested" and that it would provide "mobility, the possibility of fewer toll charges, increased availability of some 'premium' services, and increased access to emergency services."²⁵ The ICC further emphasized that IVC had committed to use its high-cost support to make network improvements that would bring better coverage to rural areas.²⁶

The FCC's concurrence will enable IVC's designation to take effect in the portions of the Rural ILEC study areas it serves, so that IVC can promptly begin making the USF-supported network investments necessary to bring high-quality mobile telecommunications service to people throughout its licensed service areas. Redefinition will therefore benefit Illinois' rural

²⁴ See, e.g., NPI-Omnipoint Wireless, LLC, Case No. U-13714 (Mich. PSC, Aug. 26, 2003) (FCC concurrence granted Feb. 1, 2005) ("NPI-Omnipoint Order"); Highland Cellular, Inc., Case No. 02-1453-T-PC, Recommended Decision (W.V. PSC Sept. 15, 2003), *aff'd* by Final Order Aug. 27, 2004 (FCC concurrence granted Jan. 24, 2005) ("Highland W.V. Order"); RCC Minnesota, Inc. and Wireless Alliance, L.L.C. d/b/a Unicel, TC03-193 (S.D. PUC, June 6, 2005) (FCC concurrence granted Nov. 14, 2005) ("RCC South Dakota Order"); Cellular Mobile Systems of St. Cloud, Docket No. PT6201/M-03-1618 (Minn. PUC, May 16, 2004) (FCC concurrence granted Oct. 7, 2004) ("CMS Minnesota Order"); United States Cellular Corp., Docket 1084 (Oregon PUC, June 24, 2004) (FCC concurrence granted Oct. 11, 2004) ("USCC Oregon Order"); Smith Bagley, Inc., Docket No. T-02556A-99-0207 (Ariz. Corp. Comm'n Dec. 15, 2000) (FCC concurrence granted May 16 and July 1, 2001) ("SBI Arizona Order"); Smith Bagley, Inc., Utility Case No. 3026, Recommended Decision of the Hearing Examiner and Certification of Stipulation (N.M. Pub. Reg. Comm'n Aug. 14, 2001, adopted by Final Order (Feb. 19, 2002) (FCC concurrence granted June 11, 2002) ("SBI N.M. Order"); RCC Minnesota, Inc., Docket No. 04-RCCT-338-ETC (Kansas Corp. Comm'n, Sept. 30, 2004) (FCC concurrence granted May 23, 2005) ("RCC Kansas Order"); RCC Minnesota, Inc. et al., Docket No. 2002-344 (Maine PUC May 13, 2003) (FCC concurrence granted March 17, 2005) ("RCC Maine Order"); Northwest Dakota Cellular of North Dakota Limited Partnership d/b/a Verizon Wireless et al., Case No. PU-1226-03-597 et al. (N.D. PSC, Feb. 25, 2004) (FCC concurrence pending) ("Northwest Dakota Order"); In the Matter of the Application of N.E. Colorado Cellular, Inc., to Re-define the Service Area of Eastern Slope Rural Telephone Association, Inc.; Great Plains Communications, Inc.; Plains Cooperative Telephone Association, Inc.; and Sunflower Telephone Co., Inc., Docket No. 02A-444T (ALJ, May 23, 2003), *aff'd* by Colo. PUC Oct. 2, 2003 (FCC concurrence granted May 23, 2005) ("Colorado Redefinition Order"). See also *Public Notice, Smith Bagley, Inc. Petitions for Agreement to Redefine the Service Areas of Navajo Communications Company, Citizens Communications Company of the White Mountains, and CenturyTel of the Southwest, Inc. On Tribal Lands Within the State of Arizona*, DA 01-409 (rel. Feb. 15, 2002) (FCC concurrence granted May 16, 2002); *Washington Redefinition Order*, *supra*, 15 FCC Rcd at 9927-28.

²⁵ IVC Order at p. 57.

consumers, who will begin to see a variety in pricing packages and service options on par with those available in urban and suburban areas.²⁷ They will see infrastructure investment in areas formerly controlled solely by ILECs, which will bring improved wireless service and important health and safety benefits associated with increased levels of radiofrequency coverage. Redefinition will also remove a major obstacle to competition, consistent with federal telecommunications policy.²⁸

B. The Requested Redefinition Satisfies the Three Joint Board Factors Under Section 54.207(c)(1) of the Commission's Rules.

A petition to redefine an ILEC's service area must contain "an analysis that takes into account the recommendations of any Federal-State Joint Board convened to provide recommendations with respect to the definition of a service area served by a rural telephone company."²⁹ In the *Recommended Decision* that laid the foundation for the FCC's *First Report and Order*, the Joint Board enumerated three factors to be considered when reviewing a request to redefine a LEC's service area.³⁰

First, the Joint Board expressed concern as to whether the competitive carrier is attempting to "cream skim" by only proposing to serve the lowest cost exchanges.³¹ As a wireless carrier, IVC is restricted to providing service in those areas where it holds a wireless authorization. IVC is not picking and choosing the lowest-cost exchanges; on the contrary, the ICC designated IVC for an ETC service area that is substantially based on the geographic

²⁶ See *id.*

²⁷ See 47 U.S.C. § 254(b)(3).

²⁸ See Joint Explanatory Statement of the Committee of Conference, H.R. Conf. Rep. No. 458, 104th Cong., 2d Sess. at 113 (stating that the 1996 Act was designed to create "a pro-competitive, de-regulatory national policy framework" aimed at fostering rapid deployment of telecommunications services to all Americans "by opening *all telecommunications markets* to competition....")(emphasis added).

²⁹ 47 C.F.R. § 54.207(c)(1).

³⁰ *Joint Board Recommended Decision, supra.*

³¹ See *Joint Board Recommended Decision*, 12 FCC Rcd at 180.

limitations of its licensed service territory. IVC has not attempted to select areas to enter based on support levels.

Additionally, the ICC concluded that the requested redefinition satisfies the FCC's use of population density as a means of determining the likelihood of IVC receiving uneconomic levels of support.³² Based upon the FCC's assumption in *Virginia Cellular* that "a low population density typically indicates a high-cost area," IVC's Petition and pre-filed testimony provided population density figures to demonstrate that no cream skimming will result from designation in the proposed areas.³³ Based on the analysis set forth in IVC's Petition and testimony, and on a separate population density analysis independently conducted by ICC Staff, the ICC concluded that IVC's designation would not result in cream-skimming in the Rural ILECs' service areas.³⁴ For the Commission's reference, the population density attachments provided with IVC's Petitions and testimony are provided in Appendix C hereto. The corresponding analysis under the *Virginia Cellular* order follows:

1. Citizens-Frontier: The Citizens-Frontier wire centers within IVC's proposed ETC service area have an average population density of 7.43 persons per square mile ("psm"), while the overall population density for the entire study area is 35.64 psm.³⁵
2. Mid-Century: The Mid-Century wire centers within IVC's proposed ETC service area have an average population density of 9.83 psm, while the wire centers population density for the entire study area is 14.39 psm.³⁶
3. Gallatin River: The Gallatin River wire centers within IVC's proposed ETC

³² See IVC Order at p. 57.

³³ *Virginia Cellular, LLC*, 19 FCC Rcd 1563, 1578-79 (2004) ("*Virginia Cellular*").

³⁴ IVC Order at p. 58.

³⁵ *Id.* at p. 54.

service area have an average population density of 68.04 psm, while the population density for the entire study area is 108.88 psm.

4. Verizon South: The Verizon South wire centers within IVC's proposed ETC service area have an average population density of 17.8 psm, while the population density for the entire study area is 36.75 psm.

5. Frontier-Illinois: The Frontier-Illinois wire centers within IVC's proposed ETC service area have an average population density of 13.7 psm, while the wire centers outside the proposed ETC area have an average population density of 34.01 psm.

In each case described above, the population density is significantly lower in the requested portions of the study area than the overall population density of the study area. Thus, costs are presumed higher in the portions IVC proposes to serve, and there is no risk of cream skimming in the Rural ILECs' areas.³⁷ In sum, IVC is not proposing to serve "only the low-cost, high revenue customers in a rural telephone company's study area."³⁸

Second, the Joint Board recommended that the FCC and the States consider the rural carrier's special status under the 1996 Act.³⁹ In reviewing IVC's Petition, the ICC weighed numerous factors in ultimately determining that such designation was in the public interest.

³⁶ *Id.* at p 55.

³⁷ *See Virginia Cellular*, 19 FCC Rcd at 1578-79 ("Our analysis of population density reveals that Virginia Cellular is serving not only the lower cost, higher density wire centers in the study area[] of . . . Shenandoah. The population density for the Shenandoah wire center for which Virginia Cellular seeks ETC designation is approximately 4.64 persons per square mile and the average population density for Shenandoah's remaining wire centers is approximately 53.62 persons per square mile."). *See also Advantage Cellular Systems, Inc.*, DA 04-3357 at ¶ 22 (Wireline Comp. Bur. rel. Oct. 22, 2004) ("The average population density for the Bledsoe wire centers for which we grant Advantage Cellular ETC designation is 24 persons per square mile and the average population density for Bledsoe's remaining wire centers is 35 persons per square mile. Because the Bledsoe wire centers that Advantage Cellular can serve have a lower population density, and therefore probably higher costs than the remaining wire centers, we conclude that ETC designation will not result in cream skimming.")(footnote omitted).

³⁸ *See id.* at 1578.

³⁹ *See Joint Board Recommended Decision*, 12 FCC Rcd at 180.

Congress mandated this public-interest analysis in order to protect the special status of rural carriers in the same way it established special considerations for rural carriers with regard to interconnection, unbundling, and resale requirements.⁴⁰ No action in this proceeding will affect or prejudice any future action the ICC or the FCC may take with respect to any ILEC's status as a rural telephone company, and nothing about service area redefinition will diminish an ILEC's status as such.

Third, the Joint Board recommended that the FCC and the States consider the administrative burden a rural ILEC would face.⁴¹ In the instant case, IVC's request to redefine the affected rural ILECs' service areas along wire center boundaries is made solely for ETC designation purposes. Defining the service area in this manner will in no way impact the way the affected rural ILECs calculate their costs, but is solely to enable IVC to begin receiving high-cost support in those areas. Rural ILECs may continue to calculate costs and submit data for purposes of collecting high-cost support in the same manner as they do now.

Should any of the affected rural ILECs choose to disaggregate support out of concerns about cream-skimming by IVC or any other carrier, this disaggregation of support will not represent an undue administrative burden. The FCC placed that burden on rural ILECs in its *Fourteenth Report and Order* independent of service area redefinition and made no mention of this process being a factor in service area redefinition requests. To the extent those ILECs may find this process burdensome, the benefit of preventing cream-skimming and the importance of promoting competitive neutrality will outweigh any administrative burden involved.

In sum, IVC has demonstrated that its proposed redefinition of the designated rural ILEC service areas fully satisfies the Joint Board's recommendations and the FCC's analysis under the

⁴⁰ See *id.*

⁴¹ See *id.*

Act.

C. The Proposed Redefinition Along Wire-Center Boundaries Is Consistent With the FCC's "Minimum Geographic Area" Policy.

In its April 2004 *Highland Cellular* decision, the FCC declared that an entire rural ILEC wire center "is an appropriate minimum geographic area for ETC designation".⁴² The FCC reiterated this finding in its *ETC Report and Order* in March 2005.⁴³ IVC's designated ETC service area does not include any partial rural ILEC wire centers.⁴⁴ Accordingly, the instant request for concurrence with redefinition to the wire-center level, and not below the wire center, is consistent with FCC policy.

III. CONCLUSION

IVC stands ready to provide reliable, high-quality telecommunications service to Illinois' rural consumers by investing federal high-cost support in building, maintaining and upgrading wireless infrastructure throughout their licensed service territories, thereby providing facilities-based competition in many of those areas for the very first time. The ICC has found that IVC's use of high-cost support will increase the availability of additional services and increase investment in rural Illinois and therefore serve the public interest. Yet, without the FCC's concurrence with the rural ILEC service area redefinition proposed herein, IVC will not be able to bring those benefits to consumers in many areas in which they are authorized by the FCC to provide service. The redefinition requested in this Petition will enable IVC's ETC designation to take effect throughout substantially all of its licensed service territory in Illinois.

The relief proposed herein is exactly the same in all material respects as that granted by the FCC and state commissions to numerous other carriers throughout the country, and the FCC

⁴² *Highland Cellular, Inc.*, 19 FCC Rcd 6422, 6438 (2004) ("*Highland Cellular*").

⁴³ *See ETC Report and Order, supra*, 20 FCC Rcd at 6405.

is well within its authority to grant its prompt concurrence. IVC submits that the benefits of permitting its ETC designation to take effect throughout its proposed service area are substantial, and those benefits will inure to rural consumers who desire IVC's service, particularly those consumers who are eligible for Lifeline and Link-Up benefits and currently have no choice of service provider. Accordingly, IVC requests that the Commission grant its concurrence with the ICC's decision to redefine the rural ILEC service areas so that each of the wire centers listed in Appendix A hereto constitutes a separate service area.

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August 17, 2006